

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KELLEY AMADEI, et. al,

Plaintiffs,

- against -

KIRSTJEN M. NIELSEN, et al.

Civil Action No.
17-CV-5967
(Garaufis, J)
(Scanlon, M.J.)

Defendants.

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**NOTICE OF MOTION AND MOTION FOR A CONTINUATION OF DEADLINES
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendants hereby move for a continuance of all deadlines in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the federal defendants in this matter. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal defendants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. The undersigned attorneys for Defendants therefore request a continuance of all deadlines until Congress has restored appropriations to the Department.

4. If this motion for a continuance of deadlines is granted, the undersigned attorneys for Defendants will notify the Court as soon as Congress has appropriated funds for the

Department. Defendants request that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Attorneys for Plaintiffs take no position on this request.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, Defendants hereby move for a continuance of all deadlines in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

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